

**CALIFORNIA COASTAL COMMISSION**

SOUTH COAST DISTRICT OFFICE  
301 E. OCEAN BLVD., SUITE 300  
LONG BEACH, CALIFORNIA 90802-4830  
(562) 590-5071 FAX (562) 590-5084  
WWW.COASTAL.CA.GOV



# W18

**Prepared May 02, 2022 (for the May 11, 2022 Hearing)**

**To:** Commissioners and Interested Parties  
**From:** Karl Schwing, South Coast District Deputy Director  
**Subject:** **South Coast District Deputy Director's Report for Orange County for May 2022**

The following coastal development permit (CDP) waivers, immaterial CDP amendments, CDP extensions, Executive Director Concurrence, and emergency CDPs for the South Coast District Office are being reported to the Commission on May 11, 2022. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's South Coast District Office in Long Beach. Staff is asking for the Commission's concurrence on the items in the South Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on May 11th.

With respect to the May 11th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

**Items being reported on May 11, 2022 (see attached)**

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**Waivers**

- 5-21-0806-W, remove and replace dock (Huntington Beach)
- 5-21-0890-W, Remodel existing home (Laguna Beach)

**Immaterial Extensions**

- 5-11-178-E8, Installation of a new concrete bulkhead (Newport Beach)
- 5-15-0087-E4, City of Newport Beach Transient Boat Slips (Newport Beach)

**Executive Director Concurrence**

- LCP-5-NPB-20-0025-1-Part C

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April 27, 2022

**Coastal Development Permit De Minimis Waiver  
Coastal Act Section 30624.7**

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

**Waiver:** 5-21-0806-W**Applicants:** Dan and Deb Lelchuk**Location:** 16802 Coral Cay Lane, Huntington Beach, Orange County (APN: 178-653-32)

**Proposed Development:** Replacement of an existing U-shaped dock with a new 531 sq. ft. concrete U-shaped dock; replacement of an existing 54 sq. ft. gangway like for like. Three 14-inch round concrete piles will be reused in their existing locations.

**Rationale:** The proposed dock system is located over the Main Channel in Huntington Harbour in the City of Huntington Beach in the Commission's area of original jurisdiction. The proposed dock system is associated with the single-family residence at 16802 Coral Cay Lane and is intended for recreational boat use only. In 1992, the Commission approved a new dock of approximately 539 square feet in size. The applicant proposes a smaller dock, which reduces overwater coverage by approximately 8 square feet compared to the dock size approved in 1992. The project does not include additional fill. The project does not extend beyond the City's pierhead line. The project application includes a list of best management practices the applicant will carry out during and after construction, to avoid adverse effects to marine resources. The applicants have a State Lands Commission lease that authorizes the use and maintenance of a boat dock, access ramp, and cantilevered deck until October 17, 2028. After the lease expires, the applicants are required to acquire a new lease with the State Lands Commission. The applicants submitted a pre-construction eelgrass survey conducted on September 10, 2021, and no eelgrass was detected within the project site. The project has been approved by the City of Huntington Beach Department of Public Works and is consistent with the Huntington Beach certified LCP, previous Commission actions in the area, and the Chapter 3 policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its **May 11-13, 2022** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

John Ainsworth  
Executive Director

Jennifer Doyle  
Coastal Program Analyst

cc: File

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April 27, 2022

## Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

**Waiver:** 5-21-0890-W**Applicant:** Robert Samuelian**Location:** 3 Bay Drive, Laguna Beach (Orange County) (APN(s): 056-204-61)

**Proposed Development:** Request of approval for after-the-fact remodel of a 4,790-square-foot single-family residence with an attached 563-square-foot garage. The project includes an approximately 95-square-foot reduction of living area and an approximately 52-square-foot addition to the attached garage. The project also includes hardscape improvements, and drought-tolerant and non-invasive landscaping. Approximately 20 cubic yards of grading is proposed.

**Rationale:** The subject site is a 6,390-square-foot inland lot within the existing locked gate community of Three Arch Bay (TAB), one of the areas of deferred certification in the City of Laguna Beach due to public access restrictions. The lot is not an oceanfront lot but is located between the sea and the first public road. The area is zoned low density residential by the City and the proposed project conforms to the permitted uses for the zone. Best Management Practices (BMPs) including erosion and runoff controls will be implemented during the construction phase. Regarding new drainage improvements, stormwater run-off will be diverted to pervious areas for percolation, and excess flow will be directed to the public storm drain system. There are hardscape improvements that extend beyond the property line, however, there is no public access in TAB as it is a private gated community. The proposed project design is compatible with the character of surrounding development and will not adversely impact visual or coastal resources, public access, or public recreation opportunities. It is consistent with past Commission actions in the area and with Chapter Three policies of the Coastal Act, and it will not prejudice the City's ability to prepare a Certified Local Coastal Plan (LCP) for the Three Arch Bay area of deferred certification.

This waiver will not become effective until reported to the Commission at its **May 11-13, 2022** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

Marlene Alvarado  
Coastal Program Analyst

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**NOTICE OF PROPOSED PERMIT EXTENSION**

**Date:** April 27, 2022  
**To:** All Interested Parties  
**From:** Karl Schwing, Deputy Director  
Fernie Sy, Coastal Program Analyst  
**Subject:** **Extension to Coastal Development Permit (CDP) No. 5-11-178**  
Applicant: 2808 Lafayette Property, LLC

**Original CDP Approval**

CDP No. 5-11-178 was approved by the Coastal Commission on March 6, 2013 and provided for the installation of a new concrete bulkhead associated with an existing business/commercial building on a property fronting Newport Bay. The new bulkhead will be installed 10-feet into the bay from the existing property and will extend the width of the property for approximately 60-feet, with a return wall at each terminus.

**Previous CDP Extension**

The expiration date of CDP No. 5-11-178 was previously extended by one year to March 6, 2022. The Commission's reference number for this previous extension was **CDP No. 5-11-178-E7**.

**Proposed CDP Extension**

The expiration date of CDP No. 5-11-178 would be extended by one year to March 6, 2023. The Commission's reference number for this proposed extension is **CDP No. 5-11-178-E8**.

**Executive Director's Changed Circumstances Determination**

Pursuant to Title 14, Section 13169 of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that there are no changed circumstances affecting the approved development's consistency with the certified City of Newport Beach Local Coastal Program and/or Chapter 3 of the Coastal Act, as applicable.

**Coastal Commission Review Procedure**

The Executive Director's determination and any written objections to it will be reported to the Commission on Wednesday, May 11, 2022. If three or more Commissioners object to the Executive Director's changed circumstances determination at that time, a full hearing on whether changed circumstances exist will be scheduled pursuant to the Commission's regulations.

**If you have any questions about the proposal or wish to register an objection, please contact Fernie Sy at [fernie.sy@coastal.ca.gov](mailto:fernie.sy@coastal.ca.gov) in the South Coast District office.**

Sincerely,

John Ainsworth  
Executive Director

Fernie Sy  
Coastal Program Analyst

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**NOTICE OF PROPOSED PERMIT EXTENSION**

**Date:** April 27, 2022  
**To:** All Interested Parties  
**From:** Karl Schwing, Deputy Director  
Fernie Sy, Coastal Program Analyst  
**Subject:** **Extension to Coastal Development Permit (CDP) No. 5-15-0087**  
Applicants: California Recreation Company & City of Newport Beach

**Original CDP Approval**

CDP No. 5-15-0087 was approved by the Coastal Commission on February 9, 2017, and provided for the following landside and waterside development: On the waterside, 9,900 cubic yards of dredging is proposed and the existing private marina will be expanded and a new public dock system will be installed. The existing riprap slope will be removed and replaced with a new riprap slope landward. On the landward side, the existing surface parking area and an existing building will be demolished and a new one-story, 14, 252 square foot restaurant will be constructed. In addition, there will be grading, hardscape and landscape installed, the parking lot will be redesigned, a new restroom will be constructed, and a dedicated public walkway from E. Coast Highway to the new public dock system will be installed.

**Previous CDP Extension**

The expiration date of CDP No. 5-15-0087 was previously extended by one year to February 9, 2022. The Commission's reference number for this proposed extension is **CDP No. 5-15-0087-E3**.

**Proposed CDP Extension**

The expiration date of CDP No. 5-15-0087 would be extended by one year to February 9, 2023. The Commission's reference number for this proposed extension is **CDP No. 5-15-0087-E4**.

**Executive Director's Changed Circumstances Determination**

Pursuant to Title 14, Section 13169 of the California Code of Regulations, the Executive Director of the California Coastal Commission has determined that there are no changed circumstances affecting the approved development's consistency with the certified City of Newport Beach Local Coastal Program and/or Chapter 3 of the Coastal Act, as applicable.

**Coastal Commission Review Procedure**

The Executive Director's determination and any written objections to it will be reported to the Commission on Wednesday, May 11, 2022. If three or more Commissioners object to the Executive Director's changed circumstances determination at that time, a

full hearing on whether changed circumstances exist will be scheduled pursuant to the Commission's regulations.

**If you have any questions about the proposal or wish to register an objection, please contact Fernie Sy at [fernie.sy@coastal.ca.gov](mailto:fernie.sy@coastal.ca.gov) in the South Coast District office.**

Sincerely,

John Ainsworth  
Executive Director

Fernie Sy  
Coastal Program Analyst

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# W18

**Prepared April 19, 2022 (for May 11, 2022 Hearing)**

**To:** Coastal Commissioners and Interested Persons

**From:** John Ainsworth, Executive Director  
Karl Schwing, South Coast District Manager  
Amrita Spencer, Coastal Planner

**Subject: Certification Review for Newport Beach LCP Amendment Number LCP-5-NPB-20-0025-1-Part C (ADU Amendment)**

On December 15, 2021, the California Coastal Commission considered a proposed City of Newport Beach LCP amendment (LCP-5-NPB-20-0025-1 Part C) designed to bring the City's accessory dwelling unit (ADU) ordinance into conformity with the current State ADU laws and to include junior accessory dwelling unit (JADU) uses in residential zones as well as ADU uses. At that time, and after a public hearing, the Commission conditionally certified the amendment provided it was modified as suggested by the Commission.

The Newport Beach City Council considered the Commission's conditional certification on March 8, 2022, and approved a modified version of the LCP amendment that day in response to the Commission's conditional certification, including the suggested modifications (see attachment).

The Executive Director has reviewed the County's March 8, 2022 action, and has determined that it is legally adequate to meet all of the Commission's conditional certification requirements. The Executive Director will report that determination to the Coastal Commission at the Commission's May meeting on May 11, 2022 as part of the South Coast District Director's Report. The Commission meeting starts at 9am on May 11, and the District Director's Report is item number W18 on the agenda for that day. Interested persons are welcome to submit comments and/or to sign-up to testify to the Commission regarding this matter under that agenda item (see the Commission's website at [www.coastal.ca.gov](http://www.coastal.ca.gov) for further information and instructions to participate in these ways).

Please note that this certification review is not a time to revisit any substantive issues associated with the approval of the subject LCP amendment, as certification review is limited to the question of whether the County adopted the suggested modifications to the LCP amendment approved by the Commission. Please further note that the Executive Director's determination is not subject to any required concurrence or approval by the Commission, but rather is simply being reported to the Commission as is required by the Commission's regulations in order to allow for the amended LCP to be

certified in that form (see Title 14, Division 5.5, Sections 13544 and 13544.5). Upon reporting this item to the Commission in the Central Coast District Director's Report, the amended LCP will be certified as of that date and time.

**If you have any questions about this LCP amendment certification review process, including questions about how to submit written comments and/or to testify to the Commission, please contact the South Coast District office at (562) 590-5071 and/or [southcoast@coastal.ca.gov](mailto:southcoast@coastal.ca.gov).**

**Attachment:** Newport Beach City Council's March 8, 2022 Action